



CASE REPORT

1. Complaint reference number	340/04
2. Advertiser	Bendon Ltd (Elle Macpherson Intimates - piano)
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 7 December 2004
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a print advertisement which features a female wearing Elle Macpherson underwear standing behind a male who is playing the piano. The female's head is cut out of the image and her hands are resting on the male's shoulders.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“These pictures show a headless woman in brief underwear clearly making sexual advances to a young teenager/schoolboy. ... She is positioned behind the boy as he plays the piano. The suggestion is that he is having a piano lesson with her (the teacher) suggestively approaching him in underwear.”

“What is the product trying to be sold here? Dress in Elle MacPherson Intimates, and you too can seduce a school boy? This advertisement is very offensive, and in light of the recent case before the Magistrates’ Court in Victoria involving a school teacher and a teenage youth, this ad is in very poor taste.”

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

“We do not accept this characterization of the advertisements though it is accepted that the ‘film noir’ genre in which the advertisements are shot leaves the conclusion to the viewer.”

“..... In the case of the ‘Piano’, the sequence portrays a young man, not a boy, playing the piano and a woman interacting with him. It is merely a view into a private world, allowing the viewers to draw their own conclusion.”

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted that there was no overt indication that the boy was a young boy and not of legal age. The viewers are unable to tell how old the female was. The Board also noted that there were no overt indications that the relationship between the characters was one of student/teacher and that this was open to interpretation.

The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.